

 ORIGINAL

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Anderson County
Alexander S. MaCaulay, Circuit Court Judge

RECEIVED

FEB 13 2013

S.C. Supreme Court

LITTLE JOHNNY LEE MACKEY,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2012-212877

MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE THE PETITION FOR WRIT OF
CERTIORARI AND APPENDIX

Counsel for Little Johnny Lee Mackey respectfully requests an extension of thirty (30) days in which to file the petition for writ of certiorari and appendix in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a second request for an extension. In support of this request, counsel shows:

1. The petition for writ of certiorari and appendix is due to be served and filed with the Court today, February 13, 2013.
2. Counsel for Mr. Mackey respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously

granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

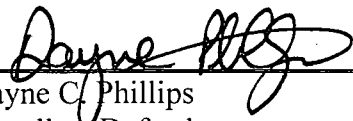
3. On February 11, 2013, counsel filed the petition for writ of certiorari and appendix in Roger Johnson v. State with this Court. On February 5, 2013, counsel filed the petition for writ of certiorari and appendix in Jovan McRant v. State with this Court. On February 4, 2013, counsel filed the petition for writ of certiorari to the Court of Appeals in State v. Rushan Counts with this Court. On January 28, 2013, counsel filed the petition for writ of certiorari and appendix in Lawrence R. Waller v. State with this Court. On January 25, 2013, counsel filed the petition for writ of certiorari and appendix in Carlos Bolt v. State with this Court. On January 22, 2013, counsel filed the brief of appellant and designation of matter in State v. Mathew Ryan Hendricks in the Court of Appeals, the petition for writ of certiorari and appendix in Andre Martin v. State with this Court, and the brief of appellant pursuant to White v. State in Andre Martin v. State with this Court. On January 14, 2013, counsel filed the brief of appellant and designation of matter in State v. Christopher E. Russell in the Court of Appeals. On January 11, 2013, counsel filed the petition for writ of certiorari and appendix in Jose Tello v. State with this Court. On January 9, 2013, counsel filed the petition for writ of certiorari and appendix in Theodore Kyinoo v. State with this Court. On January 8, 2013, counsel filed the petition for writ of certiorari and appendix in Donald Whetherall v. State with this Court. On December 21, 2012, counsel filed the petition for writ of certiorari to the Court of Appeals in State v. Marcus Addison with this Court. On December 20, 2012, counsel filed the brief of appellant and designation of matter in State v. Stephon Robinson in the Court of Appeals. On December 18, 2012, counsel filed the brief of appellant and designation of matter in State v. Mitchell Akeem House in the Court of Appeals. On December 14, 2012, counsel filed the brief of appellant and

designation of matter in State v. Joe Ward in the Court of Appeals.

4. Counsel makes this request in good faith and not for purpose of delay.
5. Counsel for the Attorney General's office has been informed of this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, in which to file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Dayne C. Phillips
Appellate Defender

Attorney for Petitioner

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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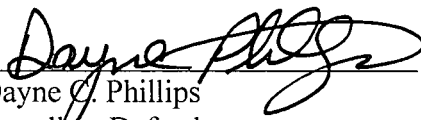
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RESPONDENT

Appellate Case No. 2012-212877


CERTIFICATE OF SERVICE

I certify that a true copy of the motion for an extension of time in which to file the petition for writ of certiorari and appendix in the above case has been served upon Donald J. Zelenka, Esquire, this 13th day of February, 2013.


Dayne C. Phillips
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 13th day
of February, 2012.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: October 30, 2022.